
MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
THURSDAY – JUNE 25, 2015

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held June 25, 2015, at 9:00 A.M. at the office of the Fund, 221 N. LaSalle Street, Room 1626, Chicago, Illinois for the consideration of applications and bills, and for other such matters that came before the Board. The contents of this meeting were transcribed by Esquire Communications, Ltd. Court Reporters and are made a part of the record.

PRESENT: Trustees Brown, Hamburger, Hauser, Lappe, Maloney, Summers, Wright 7.

ABSENT: Avila 1.

PRESIDING: Vice President Wright, and President and Trustee Kenneth Hauser.

Vice President Wright called the meeting to order.

The first order of business was review of minutes of the last regular meeting of the Retirement Board held May 29, 2015.

It was moved by Trustee Hamburger, seconded by Trustee Summers that the Board approve the minutes from the regular meeting held May 29, 2015.

ROLL CALL

For: Avila, Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

Next was review of the Audit and Actuarial Committee Meeting minutes held on June 10, 2015.

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board approve the minutes from Audit and Actuarial Committee meeting held June 10, 2015.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

A review of minutes of the Investment Committee Meeting held June 22, 2015.

It was moved by Trustee Lappe, seconded by Trustee Brown that the Board approve the minutes of the Investment Committee Meeting held June 22, 2015, as presented.

ROLL CALL

For: Brown, Lappe, Maloney, Summers, Wright 5.

Absent: Hauser, Avila 2.

Abstain: Hamburger 1.

Against: 0.

The Vice President turned the meeting over to the recording secretary, Trustee Maloney.

The Board Recording Secretary conducted the agenda as follows:

PAGE NO. REFERENCE

1 - 5 Incurred Expenses for the Month of June 2015.

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board approve the Obligations as detailed on pages 1 through 5.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

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AGENDA INDEX & SUMMARY

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6 - 11 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations, Widow's Annuity Accumulations-Revised and Exempt Rank.

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board approve the Refunds as detailed on pages 6 through 11.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

12 – 13 Payment to Heirs of Deceased Annuitants

It was moved by Trustee Summers, seconded by Trustee Hamburger that the Board approve the Payments to Heirs of Deceased Annuitants as detailed on pages 12 and 13.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

14 Refund of Unused Annuity Accumulations

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board approve the Refund of Unused Annuity Accumulations as detailed on page 14.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

15 Refund of Annual Increase Contributions

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the Refund of the Annual Increase Contributions as detailed on page 15.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

16 - 19 Annuities [Summary pg. 20]

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the Annuities as detailed on pages 16 through 19.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

21 - 24 Annuities – Revised

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board approve the Revised Annuities as detailed on pages 21 through 24, with discussion concerning the rescinded annuity of Officer Cedric White.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

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June 25, 2015

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AGENDA INDEX & SUMMARY

PAGE NO. REFERENCE

25 Annuities to Widows [Summary pg. 26]

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board approve the Annuities to Widows as detailed on page 25.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

27 Annuities to Children

It was moved by Trustee Wright, seconded by Trustee Summers that the Board approve the Annuities to Children as detailed on page 27.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

28 Ordinary Disability Benefits

a) **Aguilos, Cesar M**

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board award ordinary disability benefits to Officer Aguilos as detailed on page 28.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

b) **Martin, Steven J.**

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board award ordinary disability benefits to Officer Martin as detailed on page 28.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

29 - 30 Occupational/Duty Disability Benefit Claims

c) **Gaskew, Doris**

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board defer all benefits pending a full hearing for Officer Gaskew.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

d) **Murphy, John T.**

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board award an occupational disease disability benefit to Officer Murphy as detailed on page 29.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

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AGENDA INDEX & SUMMARY

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29 - 30 Occupational/Duty Disability Benefit Claims, Continued

e) **Ortman, Kenneth**

It was moved by Trustee Wright, seconded by Trustee Brown that the Board award an occupational disease disability benefit to Officer Ortman as detailed on page 30.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

f) **Yancey, Sandra**

It was moved by Trustee Wright, seconded by Trustee Brown that the Board defer all benefits pending a full hearing for Officer Yancey.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

31 - 33 Payments of Death Benefits [Summary pg. 34]

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board approve the Death Benefits as detailed on pages 31 through 33.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

MISCELLANEOUS

35 APPLICATION FOR CHILD DISABILITY BENEFITS

Gavin, Angel L.

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board approve the child disability benefit detailed on page 35.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

36 REQUEST TO PAY FOR LEAVE OF ABSENCE

Matias, Hector L.

It was moved by Trustee Brown, seconded by Trustee Wright that the Board approve the request to pay pension contributions for the leave of absence period as detailed on page 36.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

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37 PETITION FOR PENSION CREDIT FOR PRIOR MILITARY
 SERVICE UNDER 5-214.3

It was moved by Trustee Hamburger, seconded by Trustee Wright that the Board approve the request to purchase pension credit for prior military service detailed on page 37.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

38 PETITION FOR PENSION CREDIT FOR PRIOR SERVICE UNDER 5-214
 Cooper, Markee

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board defer this request to a full evidentiary hearing.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

39 PETITION FOR PENSION CREDIT FOR PRIOR SERVICE UNDER 5-214
 Fraction, Nichelle S.

It was moved by Trustee Summers, seconded by Trustee Lappe that the Board defer this request to a full evidentiary hearing.

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

General Agenda Completed.

It was moved by Trustee Lappe, seconded by Trustee Hamburger that the Board enter into Executive Session per 2 (c)(11).

ROLL CALL

For: Brown, Hamburger, Lappe, Maloney, Summers, Wright 6.

Absent: Avila, Hauser 2.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Summers that the Board exit the Executive Session.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

MINUTES CONTINUED

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Vice President Wright called for a motion to adopt the Order as drafted by the Board's attorney in the case of Officer **Janet L. Hanna**, which the Board found not eligible to receive a duty disability benefit in accordance with 5/5-154 of the Pension Act. Officer Hanna is entitled to an ordinary disability and was so awarded at the meeting held May 29, 2015.

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board approve the order on the application of Officer Janet Hanna for disability benefits.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

Vice President Wright called for a motion to adopt the Order as drafted by the Board's attorney in the case of Officer **Paula L. Krzebiot**, which the Board found not eligible to purchase pension credit for prior service in accordance with 5/5-214 of the Pension Act.

It was moved by Trustee Hamburger, seconded by Trustee Maloney that the Board approve the order on the application of Officer Paula L. Krzebiot to purchase pension credit for prior service.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

Vice President Wright called for a motion of the matter of Sergeant **Thomas W. Finnely**.

After a review of the medical reports submitted, it was moved by Trustee Lappe, seconded by Trustee Summers that the Board terminate the duty disability benefits of Sgt. Thomas W. Finnely effective July 31, 2015, with the representation that he is returning to active duty.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

The Board's Vice President called for the hearings on the scheduled cases.

PAGE NO. REFERENCE

HEARINGS

40 PETITION FOR PENSION CREDIT FOR PRIOR SERVICE UNDER 5-214
 Wong, Benny

Officer Benny Wong appeared, without counsel, on his petition to receive pension credit for prior service as detailed on page 40. After hearing testimony and reviewing the records, *it was moved by Trustee Wright, seconded by Trustee Maloney, that the Board grant Officer Wong his petition to purchase pension credit for his prior service.*

ROLL CALL

For: Brown, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Summers 2.

Against: Hamburger 1.

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DISABILITY HEARINGS

DISABILITY STATUS REVIEWS

41 Aguilera, Melissa

Attorney representing Officer Aguilera requested a continuance on the basis that she has been unable to obtain a report from her treating physician.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board grant the continuance requested.

ROLL CALL

For: Maloney, Wright 2.

Absent: Avila, Brown, Hauser 3.

Against: Hamburger, Lappe, Summers 3.

MOTION DIES FOR A LACK OF A MAJORITY VOTE

It was moved by Trustee Lappe, seconded by Trustee Summers that the Board suspend Officer Aguilera's benefits until such time a hearing can be conducted.

ROLL CALL

For: Hamburger, Lappe, Summers 3.

Absent: Avila, Brown, Hauser 3.

Against: Maloney, Wright 2.

Trustee Wright, renewed his motion, seconded by Trustee Maloney, that the Board grant the continuance requested, and this case be scheduled for the August 2015 Board meeting.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

42 Ivers, Neal

Officer Ivers appeared, without counsel, on his disability status review hearing. He is requesting a continuance as the attorney he retained is not available on today's date.

It was moved by Trustee Maloney, seconded by Trustee Hamburger that the Board continue this matter to the August 2015 Board meeting.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

43 Moreno, Nancy

Officer Moreno appeared, with counsel, on her disability status review hearing. The attorney representing Officer Moreno requested a continuance as some documents required are unavailable at this time.

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board continue this matter to the August 2015 Board meeting.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

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DISABILITY STATUS REVIEWS, Continued

44 O'Connor, Daniel

Officer O'Conner appeared on his disability status review hearing and submitted correspondence requesting a continuance.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board continue this matter to the August 2015 Board meeting.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

45 Rak, John

Sgt. Rak appeared, without counsel, before the Board on his disability status review. After hearing testimony from Sgt. Rak, Sgt. Thomas Risley-Administrative Sergeant of the CPD Medical Section, reviewing the records submitted and on the basis of Sgt. Rak's willingness to return to active duty with the Chicago Police Department, *it was moved by Trustee Wright, seconded by Trustee Hamburger that the Board terminate Sgt. Rak's duty disability benefit effective July 31, 2015.*

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

46 Day, Samirah– VOTE ONLY

The Board took up the matter of the duty disability status review conducted on May 29, 2015. At that time Officer Day appeared before the Board, with counsel and provided testimony and records for the Board consideration. The Board continued this status review at the request of the officer's counsel, who indicated that additional medical reports were forthcoming.

A report from Dr. Marshall Banks, dated March 31, 2011, and a report from Dr. Banks dated June 10, 2015, were submitted and made part on Officer Day's file.

Additionally, on the date of the status review hearing, May 29, 2015, the other documents and records, which preceded today's submission, were not offered into the record. Therefore the documents offered on May 29, 2015, shall be entered and made part of the Officer's file in this matter.

It was moved by Trustee Wright, seconded by Trustee Hamburger, that the Board terminate Samirah Day's duty disability benefits effective July 31, 2015.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

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47 DUTY DISABILITY CLAIMS, Continued

Friedlieb, Jeffrey

Jeffrey Friedlieb appeared before the Board, with Counsel, on his claim for a duty disability benefit. After hearing testimony from claimant, Board's physician and reviewing the documents submitted, *it was moved by Trustee Wright, seconded by Trustee Lappe that the Board award Jeffrey Friedlieb a duty disability benefit.*

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

It was then moved by Trustee Wright, seconded by Trustee Lappe, that the Board grant the duty award at 75% of salary as defined in the Pension Act.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

Hill, Lawrence

Lawrence Hill appeared before the Board, with Counsel, on his claim for a duty disability benefit. After hearing testimony from claimant and reviewing the documents submitted, *it was moved by Trustee Wright, seconded by Trustee Lappe that the Board award Lawrence Hill a duty disability benefit for the period 09/29/2014 through 05/26/2015, his return to active police duty was 05/27/2015.*

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0.

It was then moved by Trustee Wright, seconded by Trustee Maloney, that the Board grant the duty award at 75% of salary as defined in the Pension Act.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0

A matter not on the general Agenda was reviewed.

The Board took up the matter of the application for a duty disability benefit filed by **Anthony Hernandez**. Officer Hernandez appeared before the Board, with counsel, on May 29, 2015. At that time the Board voted to grant an ordinary disability benefit and deny the duty disability claim. The Board's Order has not yet been issued.

Therefore, it was moved by Trustee Wright, seconded by Trustee Hamburger, that the Board reopen the hearing, not for the purpose of changing the awards voted on but to augment the record by attaching to the record a second amended complaint that was filed in a case pending in the Circuit Court of Cook County under 13 L 007077, entitled Anthony Hernandez vs. City of Chicago and James Padar.

ROLL CALL

For: Hamburger, Lappe, Maloney, Summers, Wright 5.

Absent: Avila, Brown, Hauser 3.

Against: 0

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47 DUTY DISABILITY CLAIMS, Continued
Kopterski, Colette

Colette Kopterski appeared before the Board, with counsel, on her claim for a duty disability benefit. After hearing testimony from claimant, CPD Director of Human Resources O'Neill and reviewing the documents submitted, *it was moved by Trustee Lappe, seconded by Trustee Maloney that the Board enter into Executive Session per 2 (c)(11).*

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Avila, Summers 2.

Against: 0

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board exit the Executive Session.

ROLL CALL

For: Brown, Hamburger, Hauser, Lappe, Maloney, Wright 6.

Absent: Avila, Summers 2.

Against: 0

It was moved by Trustee Wright, seconded by Trustee Maloney, that the Board does have jurisdiction to hear the case under the Pension Code

ROLL CALL

For: Hauser, Maloney, Wright 3.

Absent: Avila, Summers 2.

Against: Brown, Hamburger, Lappe 3.

MOTION DIES FOR THE LACK OF A MAJORITY VOTE

Spalding, Shannon

Shannon Spalding appeared before the Board, with Counsel, on her claim for a duty disability benefit. After hearing testimony from claimant and reviewing the documents submitted, *it was moved by Trustee Maloney, seconded by Trustee Hamburger that the Board enter into executive session.*

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Wright, that the Board exit the executive session.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board close the discovery except for a report Board's counsel requested. No further testimony is required and this matter is continued to the August 2015 Board meeting.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

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The Executive Director reviewed with the Board the following matters.

- The Fund received communication from the law firm Barrack, Rodos & Bacine concerning the Apollo Group securities litigation, which was a class action suit that goes back some years of which the Fund was lead plaintiff and prevailed. The Fund has received the proceeds from that case in the pro rata share of \$143,000.
- The Board retained MB Real Estate as the broker to represent the Fund for the office lease renegotiation. Board counsel reviewed the exclusive agency agreement and informed the Board of its substance, which was acknowledged, and the Board directed the Executive Director to sign the agreement.
- The Board's physician has recommended testing to be completed as follows:

<u>Member</u>	<u>Recommended Test</u>
Maria Salcedo	FCE

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board approve the recommendation of the Board's physician to have a FCE performed on Maria Salcedo.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

- A discussion concerning the retroactive annuity adjustment for members who retired after July 1, 2012. In some situations the retroactive calculations result in a small amount due the annuitant. The Executive Director requested that a policy be put in place that if there is a refundable amount of less than \$5 that a check will NOT be generated due to the cost and expense involved. The Board acknowledged and approved.
- The final actuarial valuation for 2014 and the final financial statements for 2014 were distributed to the Board members for their review and files.
- The Corporation Counsel forwarded communication to the Fund concerning a member, Frances Zoller, Jr. A review of the Fund records indicates Mr. Zoeller is an inactive member, under the age of fifty, and there are no applications filed for benefit as of date.
- Discussion concerning the outstanding securities lending agreement with Deutsche Bank and the indemnification on cash collateral. As a point of information to the Board members, the indemnification provided by Deutsche Bank is limited to counterparty insolvency when cash collateral is invested in repos. The indemnification does not apply to all losses. The Board did not raise any further concerns on this matter.
- Updates on the Chief Investment Officer search were discussed. The CIO search committee has nine candidates who remain interested in the position and will work to narrow the number of candidates and make a recommendation to the Board.

EXECUTIVE DIRECTOR'S REPORT CONCLUDED

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Trustee Lappe directed the Board to address the current process on doctor recommended medical tests such as FCE, IME required on current disability recipients. Brief discussion ensued.

It was moved by Trustee Lappe, seconded by Trustee Hamburger, that the Board authorize the Executive Director, on the advice of the Board doctor, and with another trustee's approval, to proceed and order any medical tests deemed necessary.

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.

All business concluded for this date, June 25, 2015, *it was moved by Trustee Hamburger, seconded by Trustee Wright that this meeting be adjourned.*

ROLL CALL

For: Hamburger, Hauser, Lappe, Maloney, Wright 5.

Absent: Avila, Brown, Summers 3.

Against: 0.